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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/319,828 06/11/99 GUENTER

W GUENTER-1 (P

COLLARD & ROE  
1077 NORTHERN BOULEVARD  
ROSLYN NY 11576-1696

IM22/0925

EXAMINER

AHMED, S

ART UNIT

PAPER NUMBER

1773

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/319,828**

Applicant(s)  
**Walther**

Examiner  
**Sheeba Ahmed**

Art Unit  
**1773**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on September 13, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/319,828 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Amendment***

2. Amendments to claims 15-29 and 31 have been entered in the above-identified application.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 15-17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al. (US 3,726,710).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 3 of the Office Action mailed on March 15, 2001 (Paper No. 9).

4. Claims 15, 16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman et al. (EP 0622411A2).

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The above rejection is maintained for the reasons of record as set forth in Paragraph No. 4 of the Office Action mailed on March 15, 2001 (Paper No. 9).

5. Claims 15-17, 19, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Higgins (US 5,932,352).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 5 of the Office Action mailed on March 15, 2001 (Paper No. 9).

6. Claims 15, 16, 18, 19, 21, and 23-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Adamko et al. (US 5,948,517).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 6 of the Office Action mailed on March 15, 2001 (Paper No. 9).

***Claim Rejections - 35 USC § 103***

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (US 3,726,710).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 7 of the Office Action mailed on March 15, 2001 (Paper No. 9).

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8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. (EP 0622411A2).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 8 of the Office Action mailed on March 15, 2001 (Paper No. 9).

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adamko et al. (US 5,948,517).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 9 of the Office Action mailed on March 15, 2001 (Paper No. 9).

### ***Response to Arguments***

10. Applicants traverse the rejection of claims 15-17, 19, and 21 under 35 U.S.C. 102(b) as being anticipated by Berger et al. (US 3,726,710) and submit that Berger does not disclose a plastic film having materials with release properties incorporated into the plastic film and allege that the materials with release properties are simply coated on the outside of the plastic film. However, as pointed out in Paragraph No. 3 of the Office Action mailed on March 15, 2001 (paper No. 9), the Examiner has taken the position that the release layer is equivalent to the plastic film of the claimed invention and contains a mixture of organopolysiloxane starting materials wherein one component is equivalent to the modified polymer of claim 16 and the other

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is equivalent to the silicone compound of claim 17 and hence Berger meets the limitations of the claimed invention.

Applicants traverse the rejection of claims 15, 16, and 18-20 under 35 U.S.C. 102(b) as being anticipated by Friedman et al. (EP 0622411A2) and submit that Friedman does not disclose that the material having release properties, such as silicone, is incorporated in the carrier web. However, the Examiner would like to point out that Friedman et al. disclose polypropylene and polymethylpentene blends and their use as release sheets wherein the release sheet is equivalent to the polymer film of the claimed invention. The release properties of the release sheet can be further adjusted by employing one or more inorganic fillers. Page 4 of Friedman specifically states that the blend can be used to form articles or sheets for embossing or can be extruded to produce release liners and release films and as coatings for polymer liners and hence meets all the limitations of claims 15, 16, and 18-20.

Applicants traverse the rejection under Higgins and submit that the release layer disclosed by Higgins is not the plastic film of the claimed invention. However, in response the Examiner submits that the Applicants are merely alleging that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference.

In response to the Applicants argument that Adamko does not include a material for producing releasing properties disposed in the plastic layer, the Examiner would like to direct the Applicants attention to Column 3, lines 15-18 and Column 4, lines 60-64 which discloses release


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films made of thermoplastic materials such as a blend of two or more LLDPE's wherein the Examiner has taken the position that one component is equivalent to the basic polymer and the other is equivalent to the polyolefin additive material of the claimed invention.

*Conclusion*

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sheeba Ahmed whose telephone number is (703) 305-0594. The Examiner can normally be reached on Monday-Friday from 8am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Paul Thibodeau, can be reached at (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

 Sheeba Ahmed  
September 23, 2001

  
Paul Thibodeau  
Supervisory Patent Examiner  
Technology Center 1700